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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,607	05/17/2005	Steen Nielsen	02405.0248	7121
22852 7590 09/13/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER NICHOLSON III, LESLIE AUGUST	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 09/13/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/516,607

Applicant(s)

NIELSEN, STEEN

Examiner

Leslie A. Nicholson III

Art Unit

3651

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

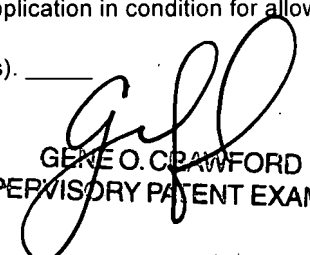
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: 16-18.  
Claim(s) rejected: 11-15 and 19-21.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: 35 USC 112 rejections of claims 14 and 21 remain because a feeder has not been positively recited. Though a feeder is mentioned in the preamble, it is stated in the preamble as if the feeder is a separate element that that of the device. Claim 19 remains rejected under 35 USC 112 2nd paragraph because the claim appears to be invoking means plus function language by claiming guide means, however, it fails the 3 prong analysis because it is limited by structure (the extension) and the actual function of the guide means by itself is not clear. Claim 19 should be reworded to properly and clearly invoke 35 USC 112 6th paragraph, if that is Applicant's intention. Applicant argues the preamble of claim 11 has been ignored. In response, the function of the apparatus claim has not been ignored, but has not been given weight because the claim is directed towards an apparatus and not a method of using the apparatus. The Examiner further notes claim 11 has not invoked 35 USC 112 6th paragraph. Applicant further argues Branch does not disclose the boom extending transversely of the direction of conveyance of the feeder. Boom 88 extends transversely of the direction of the conveyance of feeder 30. Feeder 30 is a feeder because it feeds elements to boom 88. Applicant further argues Branch does not disclose the boom conveyor conveys the piece of cloth across the boom in the longitudinal direction thereof, wherein the piece of cloth stretches across the boom. In response, the Examiner notes that claim 11 is an apparatus claim and not a method claim. Even if it were, as shown in fig.1,8, the boom conveyor conveys the piece of cloth across the boom in the longitudinal direction thereof, wherein the piece of cloth stretches across the boom. Applicant further argues the Office Action identified numeral 30 as a feeder and a feed conveyor. In response, the Examiner notes a feeder has not been positively claimed as mentioned above. It is unclear if the feeder and feed conveyor are the same or different elements in the claim as the previously recited the feeder having a first feeder conveyor. Regarding the functional language argued by Applicant in claim 11, the Examiner again points out that the claim is directed towards an apparatus and not towards a method of using the apparatus. The Examiner properly addressed the structural limitations of the claim in the FINAL Action. Regarding claim 12,13,15, Applicant argues element 260 is a collecting rail. In response, the Examiner agrees, however, collecting rail 260 feeds pieces of cloth to sortation assembly 200. The claims do not recite the second feed conveyor feeding pieces of a cloth to the boom. Regarding claim 20, Applicant argues Branch does not operate upon the straightened front edge of a piece of cloth at various positions. In response, the claim does not operate on the cloth but merely recites conveying the straightened front edge of the piece of cloth in different directions by different devices. The device feeding a straightened front edge of the piece of cloth to feed conveyor (30), transports the straightened front edge of the piece of cloth to a second position (the second position being at element 42), seizing by a turning device (70), the straightened front edge of the piece of cloth, and turning it with an essentially horizontal movement to a third position (the reception point of the cloth at element 88), and taking by a boom conveyor (88,90) and conveying it across the boom.